R. Dis **File No.** 9(6)

1939.

Collection No.

B

28

19/7/47

Mas

19/7

Mysore Residency

(W)

Pros. Serial Nos. 1 – 14.

(29) P

Subject.

Grant of Succession Certificate in favour ~~in the matter~~ of Kamalapuri Reddi Sahiba

Countersignature of a Certificate granted by a State Court.

Previous References.

23(2)/32

183/36 (8)

Later References.

A

16/10/46

MFP—1663 S&P—(M-2971)—24-6-38—100,000.

S.N.1

last page. 1 The petitioner has obtained a Succession Certificate from the Civil and Sessions Court of Banganapalle in respect of a debt concerned in O.S. No.362 of 37 on the file of the District Munsiff of Kurnool.

2 For debts and securities realisable in British India, residents of Indian States have under the law to obtain - Succession Certificates from the "British representative accredited to the State". The petitioner knows the law and in his petition to the Resident for the Madras States asks for the issue of a Certificate without charging an additional Court fee. Similar mistakes are occasionally committed by persons in Mysore State too, and when they come up before the Resident for fresh certificate, exemption is usually given in respect of publication charges in the Residency Orders, but not in respect of Court fees. Please see section 382 of the Succession Act. Certificates granted under that provision of law are valid and operative in British India when stamped in accordance with the provisions of the Court-Fees Act, 1870. If approved, the petitioner may be informed of the position.

← Cor p. 3.

3 Draft submitted.

D.Rao
9.2.39

10/2/39. (from para 1)

Secretary.

Await 1.3.39 c.f. 5

S. N. & Issue.

Dy.No.225(B) S.N.9.

(6)

Please see S.N.8.

Draft notice submitted for approval.

22.6.39.

ASRao
22.6.39

23.6.39 (para 6)

A.8.

S. N (10) Issue.

Awaits 1/8/39.

Dy.No. 272(B) S.N.11.

(7)

The notice has been returned with the endorsement "name differs. Refused." It appears as though the respondent is evading service and the address furnished by his brother cannot be incorrect. He was also exparte in the Civil & Sessions Court, Banganapalle. For orders, whether the respondent may be treated as exparte, here also.

19.7.39

ASRao
19.7.39

22/7/39. (para)

Secretary.

(8)

Corp. 8

(F)

Please see S.N.5 and para 7 of notes. There is no objection to the grant of the succession certificate to the petitioner.

Draft certificate submitted.

25.7.39.

(para 8)

26.7.39

AsRao
25.7.39

Recd (with file)

(9)

Certificate is prepared and submitted for signature.

AsRao
31.7.39

Resident.

S.N.I.

1

From,
Kamalapuri Pedda Subbiah,
Son of Narappa,
Gillella
Bangarpalle (State.)
1/2/39.

OFFICE OF THE
HON'BLE THE RESIDENT
IN MYSORE, BANGALORE.
4 FEB. 1939
45-B.
Diary No.
File No.

To,
The Mysore resident.
Bangalore (Cant).

Honord Sir,

on 22-12-38 I applied for a Succession certificate in the office of the Resident of Madras States. But he is pleased to inform me that his political charge is handed over to your Honour and that I should apply to your Honour for issue of the Succession certificate on 6/1/39

Accordingly I am now approaching your Honour with this request enclosing the petition, Succession certificate granted by the Civil and Sessions Judge Bangarpalle and the endorsement given by the Resident of Madras States. My Case for hearing in Kurnool Dist Munsiff Court is adjourned to 16.3.39 on which date I am asked to file the Succession certificate granted by your Honour in that Court.

Hence I most humbly request your Honour to be kind enough to go through the petition enclosed and grant me Succession Certificate.

Pleasing.
1/2/39

No. 1194/38-A.

Resident's Office,
Trivandrum, 11th January 1939.

To

Mr. Kamalpuri Pedda Subbiah,
Son of Narappa,
Jillella,
Banganapalle State.

M E M O.

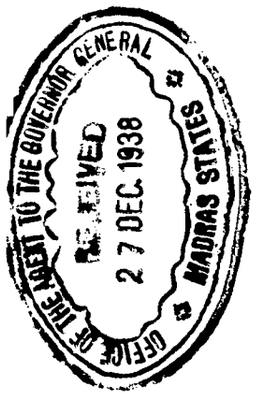
Succession Certificate - application for -

With reference to his application dated 22-12-38 Mr. Kamalpuri Pedda Subbiah is informed that with effect from 1st January 1939 the Banganapalle State has been placed under the political charge of the Hon'ble the Resident in Mysore. He is therefore directed to apply to that officer for the issue of a succession certificate. The application and the succession certificate issued by the Court of the Civil and Sessions Judge, Bangapalle forwarded by him are herewith returned.

For Resident for the Madras States.

RS.

2/1/39



a 3

Before the Resident in charge
of the Bandarupalli State.

In the matter of grant of Succession Certificate
to Pothoju, Kamalapuri Pedda Subbaiah Son of Narappa
to collect the debt in O.S No. 362/37 on the file
of the Court of the District Munsif, Cuddapah.

Kamalapuri Pedda Subbaiah Son of Pothoju
Son of Narappa of Jillella ... Petitioner

Petitioner under the Succession Certificate Act.

The Petitioner Applies for a Succession
Certificate to realise the debt ~~Case~~ Concerned in
O.S 362/37 on the file of the District Munsif, Cuddapah
before the Civil and Sessions Judge, Bandarupalli.
and he has been pleased to grant the same
on a Rs 16/- Stamp paper. In law, the Succession
Certificate should be issued by the Resident
so as to be useful in the British dominions
Hence, without closing an additional
Court fee, the Petitioner prays that the
Succession Certificate be signed by the
Resident.

[illegible]
Petitioner
22.12.38

Enclosures:
Succession Certificate granted
by the Civil & Sessions Judge
on a Rs 16/- Stamp paper.

S. N. 2

15

DRAFT.

Issue 10/2

Issued 11/2/39.

R.Dis. No. 9(6)39 Dated 11/2/ 1939.

From

To

Kamalapuri Pedda Subbiah,
son of Narappa,
Jillela,
Banganapalle State.

P.U.C
S N.I

With reference to his application dated the 1st February 1939, Mr. Kamalapuri Pedda Subbiah is informed that a Succession Certificate can be granted under Section 382 of the Indian Succession Act on presentation of a properly stamped application, with process for the usual notices, and on furnishing Court fees ~~Acts~~, in accordance with the provisions of the British Indian Court-fees Act.

SECY. TO THE RESIDENT.

A.Rao
9.2.39

From, Kamalpuri Peddalubbi, son of Narappa, Dillella
Bangarpalle State.

To, The Secretary to the resident in Mysore.

21.2.39

(F)

S.N.2/C.F.5

R.Dis No 29(C)-39

R.O 1

Honored Sir,

I have gone through your Honor's memorandum dated 11-2.39 and beg to submit as follows:-

1. Under Sec 375 of the Indian Succession act the Civil and Sessions Judge of Bangarpalle after full enquiry with proper notice and statements was pleased to grant a Succession certificate on Rs 16/- stamped paper which was sent to your Honor along with my application dated 18th February 1939.

According to the act, the Succession Certificate granted by the State had to be countersigned only, but owing to new Amendment act the resident should issue it. All the enquiry, proceed and Court fee which your Honor is now wanted has been exhausted and so there is no necessity for fresh enquiry and notices and fresh Court-fee. When once I have paid the Court-fee it must be adjusted and a Succession Certificate may be granted on a blank white paper with endorsement that the proper court-fee has been collected in Bangarpalle Stamps and that I am entitled to receive the amount. I have to file it in Kurnool Dist Munsiff Court on 10.3.39 and so I beg that your Honor will kindly send me the unstamped certificates granted by your Honor along with the stamped Certificate granted by the Civil and Sessions Judge of Bangarpalle which was sent along with the application dated 18th February 1939 to enable me to file it in the Dist Munsiff-Court, Kurnool. For which act of kindness I shall ever pray.

కమలపురిపెద్దలుబ్బి కామంరపాడ్డ్యనుష్టిచేసిన
21.2.39 చేతిసంతకం

S. N. 3

16

OFFICE OF THE
HON'BLE THE RESIDENT
IN MYSORE, BANGALORE.
24 FEB. 1939
Diary No. 101 (B)
File No AD 79(6)39

S.N.4

(By Regd.Post Ack.due)

D. 17/3/39 (7)

Memo.No.R.Dis.9(6)/1939 Enc. 1.
Judl.

From

The Asst.Secretary.

To

Mr.Kamalpuri Pedda Subbiah,
son of Narappa, Jillella,
Banganapalle State.

Issued
Ors
17/3

Issue
Kc
15.3.39

S.N.3
c.f.6

With reference to his application dated the 21st February 1939, Mr.Kamalpuri Pedda Subbiah is informed that his request cannot be granted. ~~as~~ The debt is realisable in British India and the proper procedure is for him to apply ~~to~~ ~~this~~ ~~Residency~~ for a fresh succesion certificate as suggested in Memorandum R.Dis.No.9(6)/39, dated the 11th January 1939, from this Residency.

S.N.2 (F)
c.f.5

2. The succession certificate granted by the Civil and Sessions Judge, Banganapalle, is returned.

attached

Asst.Secretary to the Resdt.

Kc
14.3.39

KH
15/3/39

R.D.9(6)/39 S.N.S.

OFFICE OF THE HON'BLE THE RESIDENT IN MYSORE, BANGALORE. 20 APR. 1939 Diary No. 161(B) File No. R.D.9(6)/39

8

To

The Resident of the Banganapalle State

in Mysore, Bangalore.

Application for grant of a succession certificate to Kamalapuri Pedda Subbiah, son of Narappa of Jillella, Banganapalle State, for realising the debt due by Etikala Nagiah of Bethamcherla, Kurnool District, on a pronote in a sum of Rs.771/- including interest, to Narappa, his father.

stamps of the value of Rs.17/- removed & affixed to the succession certificate

---oooOooo---

Kamalapuri Pedda Subbiah, son of Narappa, Jillella. .. PETITIONER.

- Versus -

Kamalapuri Chinna Subbiah, son of Narappa, Jillella. ... RESPONDENT.

Petition under section 382 of the Succession Act (XXXIX of 1925).

The petition of the abovenamed petitioner most respectfully sheweth:

1. The petitioner's father, Narappa, had lent Rs. 615/- on a pronote to one Etikala Nagiah, son of Etikala Chinna Subbiah, a resident of Bethamcherla in Kurnool District in British India, and died intestate on 4-2-1935 without realising the debt. He left two sons, the petitioner and another Chinna Subbiah (the respondent herein) and this debt has fallen to the share of the petitioner in the division between the brothers, and as such the petitioner is entitled to collect this debt of Etikala Nagiah in British India. No other person is entitled to collect this debt.

& ordinarily residing at Jillella Banganapalle (vide SN.9)

2. The petitioner had applied for a succession certificate in the Court of the Civil and Sessions Judge, Banganapalle, impleading his brother as the

respondent. He became ex parte, and did not contest the petition and the Court was pleased to grant the certificate prayed for in Succession Certificate No.1 of 1938. It is also shown therein that the petitioner has filed O.S.No.362 of 1937 on the file of the District Munsif's Court, Kurnool, on this pronote. This certificate is herewith enclosed.

3. This certificate was not accepted by the District Munsif's Court, Kurnool, as it is not in accordance with section 382 of the Succession Act. Thereon, the petitioner applied to the Resident whereon he received orders in R.Dis.F. 9(6)-39/R.O. dated 11-2-1939 that a separate application with process for usual notices as per British Indian Court Fee Act should be filed.

4. The petition is therefore filed with the necessary court-fee label of Rs.16/- for grant of the succession certificate. A court-fee label of Re.1/- is also attached for issuing processes to the respondent.

5. The petitioner, therefore, prays that the Hon'ble the Resident be pleased to grant the succession certificate prayed for.

కేములప్పరిపేద్దేసుబ్బయ్యచెప్పినట్లు-

PETITIONER.

24.4.39

I declare that the above was interpreted to me in Telugu and that the contents in paras 1 to 4 are all true.

Signed by me at Jillella on 22-4-1939.

కేములప్పరిపేద్దేసుబ్బయ్యచెప్పినట్లు-

PETITIONER.

24.4.39

11

FROM

THE SECRETARY
TO THE HON'BLE THE RESIDENT IN MYSORE.

To

Kamalapuri Pedda Subbiah,
son of Narappa,
Jillella, Banganapalle State.

MEMORANDUM No. R.Dis. F.9(6)-39 / R.O. I

Dated Bangalore, the 11th February *1939*.

With reference to his application dated the 1st February 1939, Mr. Kamalapuri Pedda Subbiah is informed that a Succession Certificate can be granted under Section 382 of the Indian Succession Act on presentation of a properly stamped application, with process for the usual notices, and on furnishing Court fees in accordance with the provisions of the British Indian Court-fees Act.

SECRETARY TO THE RESIDENT.

BJ

To

The Resident of the Banganapalle State

in Mysore, Bangalore.

Application for grant of a succession certificate to Kamalapuri Pedda Subbiah, son of Naranna of Jillella, Banganapalle State, for realising the debt due by Etikala Nagiah of Bethamcherla, Kurnool District, on a pronote in a sum of Rs.771/- including interest, to Naranna, his father.

---oooOooo---

Kamalapuri Pedda Subbiah, son of Naranna, Jillella. .. PETITIONER.

- Versus -

Kamalapuri Chinna Subbiah, son of Naranna, Jillella. ... RESPONDENT.

Petition under section 382 of the Succession Act (XXXIX of 1925).

The petition of the abovenamed petitioner most respectfully sheweth:

1. The petitioner's father, Naranna, had lent Rs. 615/- on a pronote to one Etikala Nagiah, son of Etikala Chinna Subbiah, a resident of Bethamcherla in Kurnool District in British India, and died intestate on 4-2-1935 without realising the debt. He left two sons, the petitioner and another Chinna Subbiah (the respondent herein) and this debt has fallen to the share of the petitioner in the division between the brothers, and as such the petitioner is entitled to collect this debt of Etikala Nagiah in British India. No other person is entitled to collect this debt.

2. The petitioner had applied for a succession certificate in the Court of the Civil and Sessions Judge, Banganapalle, impleading his brother as the

respondents. He became ex parte, and did not contest the petition and the Court was pleased to grant the certificate prayed for in Succession Certificate No.1 of 1978. It is also shown therein that the petitioner has filed O.S.No.368 of 1977 on the file of the District Munsif's Court, Kurnool, on this promote. This certificate is herewith enclosed.

3. This certificate was not accepted by the District Munsif's Court, Kurnool, as it is not in accordance with section 388 of the Succession Act. Thereon, the petitioner applied to the Resident thereon he received orders in R.Dis.P. 9(1)-79/ .D. dated 11-1-1979 that a separate application with process for usual notices as per British Indian Court Fee Act should be filed.

The petition is therefore filed with the necessary court-fee label of Rs.1/- for grant of the succession certificate. A court-fee label of Re.1/- is also attached for issuing processes to the respondent.

5. The petitioner, therefore, prays that the Hon'ble the Resident be pleased to grant the succession certificate prayed for.

True Copy

(Sd.) [illegible]

PETITIONER.

24.4.39

I declare that the above was interpreted to me in Telugu and that the contents in paras 1 to 4 are all true.

Signed by me at Jillella on 9-4-1979.

(Sd.) Kamalpuri Seddi Subbi

24.4.39

PETITIONER.

Schedule.

Name of the debtor.	Amount of debt with interest as shown in the petition.	Nature of debt.
Atikala Yagiah of Bethamcherla, Dhone Taluk, Kurnool Dt.	Rs.771/-.	On a pronote suit filed in the District Munsif's Court, Kurnool numbered as O.S.367/37.

True Copy.

(Sd/ [illegible])

PETITIONER.

24.4.39

Enclosures

1. Succession certificate granted by the Civil and Sessions Judge, Bangalore City (Succession Certificate No.1 of 1938).

2. The Resident's Memorandum R.Dis.[illegible] (67-[illegible]) dated 11- -1939.

(Sd/ [illegible])

PETITIONER. 24.4.39

S.N 6

15

Issued 13/5/39.

FROM

THE SECRETARY

TO THE HON'BLE THE RESIDENT IN MYSORE.

To

Kamalapuri Pedda Subbiah,
son of Narappa,
Jillella, Banganapalle State.

R.Dis. 9(6)-39

MEMORANDUM No. ~~Fxxxx Judl.~~ ~~R.O.~~ Judl.

Dated Bangalore, the 13th May 9 *193*

With reference to his application dated the 26th April 1939, Mr.Kamalapuri Pedda Subbiah is asked to furnish British India Court fee stamps of the value of Rs.2/- more — Re.1/- for the petition and Re.1/- citation charges. Publication in the Residency Orders is waived.

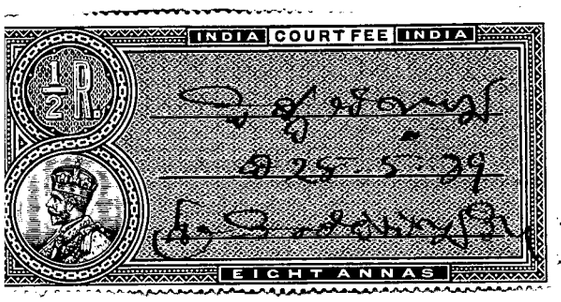
for SECRETARY TO THE RESIDENT.

(Office copy)

BJ

S. N. 7.

16



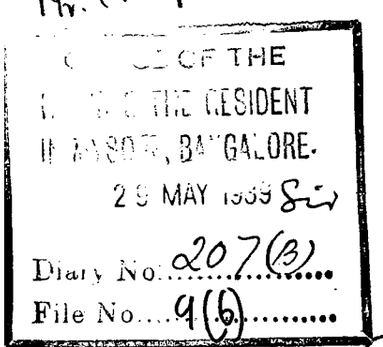
SN7

malapeni Peddu Subbaiah
-g Narappa
Jillella, Bangarapalle State

Mr. Chetty.

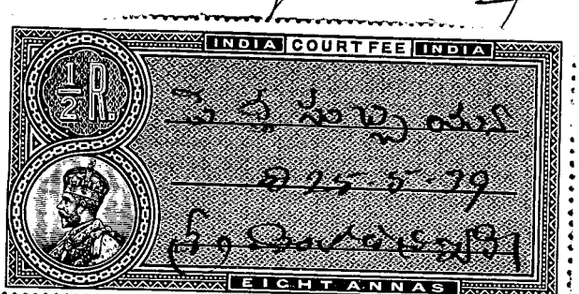
To

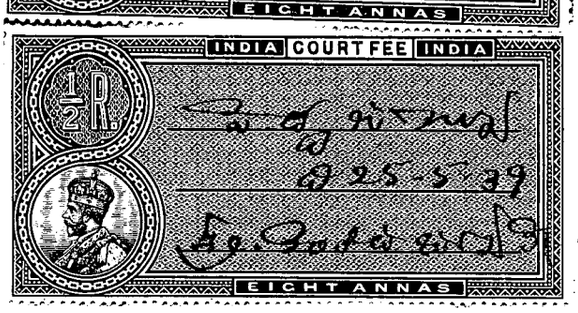
The Secretary
To the Hon'ble the Resident
in Mysore

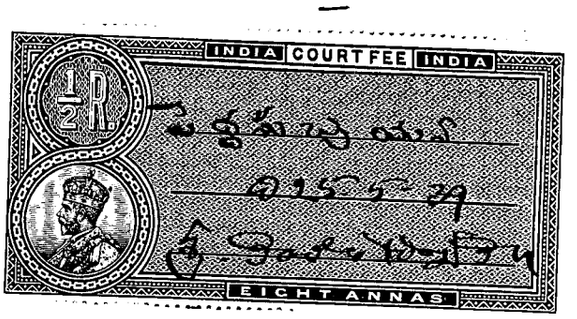


In obedience to your ~~letter~~ order dated 13th. inst. I have herewith furnished India Court fee Stamps of the value of Rs 2/—.

27.5.39







17

S N. 8.

Issued 13/6/39

Issue 5/6

Memorandum
R.Dis9(6)-39 Judl

Dated 13th June 1939.

From

The Secretary
to the Hon'ble the Resident
in Mysore

To

Kamalapuri Pedda Subbiah,
son of Narappa, Jillella,
Banganapalle State.

Subject: In the matter of the estate of the late Narappa

Please furnish the following particulars, viz., (i) the ordinary residence of the deceased Narappa at the time of his death and (2) the place of his death.

For Secretary to Resident.

3.6.39.

3.6.39

S.N.9.

18

From,

Kamalapuri Jedda Subbiah
Son of Narappa.
Jillella
Banganpalle State
18-6-39.

N. Chetty

To,

The Secretary
To the Honourable the Resident in Mysore.

Most Honour'd Sir,

With reference to the memorandum no R. Dis. J. 9(6)-39 Judl. dated 13th June 1939. I beg to submit as follows as required by your Honour.

SN.8
Corp. 17.

(1) The ordinary residence of the deceased Narappa at the time of his death is "Jillella", Banganpalle State.

(2) The place of death of the deceased Narappa is "Jillella" Banganpalle State.

Further I beg to submit the Succession Certificate required may kindly sent as early as possible for enabling me to file it in the District Court of Kurnool. For which act of kindness I shall ever be grateful I beg to remain

Most Honour'd Sir,

Your most obedient Servant.

ತಿ. ಲಕ್ಷ್ಮಯ್ಯ ಶೆಟ್ಟಿ

18. 6. 39

OFFICE OF THE
HON'BLE THE RESIDENT
IN MYSORE, BANGALORE.
20 JUN 1939
225(B) 9250
Diary No.....
File No.....

209(6)39.

123

Res. Mysore 25.

CERTIFICATE.

(Fair to be engrossed on British Indian Court-Fee Stamp paper of the value of Rs. 16/=)

BEFORE THE HON'BLE THE RESIDENT IN MYSORE AT BANGALORE.

R.Dis.

Application in File No. 9(6) of 1939 under section 382 of the Indian Succession Act, 1925 (Act No. XXXIX of 1925).

In the matter of the estate of Narappa,

now deceased.

To Kamalapuri Oedda Subbiah, son of Narappa, Jillella, Banganapalle

~~Petitioner(s)~~

Whereas you Kamalapuri Oedda Subbiah

applied on the 26th April 1939 for a certificate under section 382 of the Indian Succession Act, 1925, in respect of the following debts, ~~and securities~~ namely :—

Debts.

Serial No.	Name of debtor.	Amount of debt, including interest, on date of application for certificate.	Description and date of instrument if any, by which the debt is secured.
1.	Etikala Nagiah of Bethamcherla, Dhone Taluk, Kurnool District.	Rs: 771/-	Promote executed in favour of the deceased, and a suit filed in the Court of ~~the~~ Subordinate Judge, Kurnool, and ~~in the~~ District Munsiff, Kurnool, and numbered as O.S. 362/37.

P.T.O.

241

Securities.

Serial No.	Description.			Market value of security on date of application for certificate.
	Distinguishing number of letter or security.	Name, title or class of security.	Amount or par value of security.	

This certificate is accordingly granted to you and empowers you to collect the above debts ~~(and)~~ ~~(to receive)~~ ~~(interest)~~ ~~(dividends)~~ ~~(on)~~ ~~(to negotiate)~~ (to transfer) ~~(those securities)~~.

Dated this the 31st day of July 193 9.

Resident.

25-7-39.

25.7.39

1126—9-3-1935—200—RPB.